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[Kindly add claim 21 as follows:]

- 21 The preservative of claim 20 that may be orally administered and in an edible carrier as an antioxidant for humans and animals.
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#### REMARKS

Reconsideration of this application as amended is requested.

Claims 1-17 and 20-21 are pending in this application. Claims 1-2, 5, 10-11, and 13-15 have been amended. Claims 18 and 19 have been canceled. Claims 20-21 have been added. Where appropriate, the application has been amended to correct minor informalities, and to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention so as to place the application, as a whole, into a prima facie condition for allowance. Great care has been taken to avoid the introduction of new subject matter into the application as a result of the foregoing modifications.

Claims 1-12 and 14 were rejected under 35 U.S.C. § 112, first paragraph, because the specification does not reasonably provide enablement for any "natural" organic components. Claims 1, 10, and 14 have been amended in compliance with Examiner's suggestion of deleting the word "natural" from the claim.

Claims 11, 13, and 15 were rejected under 35 U.S.C. § 112, second paragraph, because Examiner concluded that the term "comparable" in claims 11 and 13 and the expression "readily soluble" were relative terms which rendered the claims indefinite. The term "comparable" in claims 11 and 13 has been substituted with the more definite phrase "substantially similar" to overcome Examiner's rejection. Likewise, claim 15 has

been amended in compliance with Examiner's suggestion of deleting the word "readily" from the claim.

Claims 5, 18, and 19 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 18-19 have been canceled, and therefore the 35 U.S.C. § 112, second paragraph rejections directed to claims 18-19 should be overcome. Claim 5 has been amended in compliance with Examiner's suggestion. The phrase, "selected from the group including" has been amended to recite "selected from the group consisting of". In terms of Examiner's § 112 rejection of claim 5 as being indefinite, applicant respectfully suggests that support for claim 5 as amended is found in the specification at page 7, lines 4-8. In addition, support for claim 5 is found in the specification at page 11, lines 13-19, and as data represented in table 3.

Furthermore, Claims 18-19 have been canceled, and therefore the rejection based on the dependency of composition claims on a method claim should be overcome. Please note that claims 20-21 have been added as new composition claims, and that claim 21 is now a composition claim dependent on independent composition claim 20.

Claims 1-19 were rejected as obvious under 35 U.S.C. § 103(a) based on Reeves '785 in view of Kahleyss et al. '949, and claims 2-15 were further included by Examiner in this rejection in view of Kahleyss. Examiner correctly points out that Reeves '785 discloses a process of purifying material using fluorinated hydrocarbons such as tetrafluoroethane ("TFE") and that Kahleyss '949 discloses conventional extraction methods which utilize polar and nonpolar solvents.

Applicant respectfully submits that claims 1 through 19 should not be rejected for obviousness under section 103. Examiner's cited references do not teach or suggest to one skilled in the art a high-yielding antioxidant extraction method accomplished with minimal oxidative destruction of the subject compound through the use of TFE and solvent mixtures. First, Reeves '785 discloses the purification of psyllium seed husks by utilizing the relative densities of liquid fluorinated hydrocarbons. By sufficiently matching the density of the impurity with that of a liquid fluorinated hydrocarbon, and through the application of a desirable temperature and pressure, Reeves '785 teaches a method for separating seed husks within the density of about 1.50 to 1.55 g/ml. The applicant's claimed invention is patentably different from Reeves '785 in that the applicant references a method for extracting organic species from organic starting material with high yields and nominal destruction of desired end product. Furthermore, Reeves '785 teaches density-mediated purification of seed husks by manipulating the pressure and temperature under which the liquid fluorinated hydrocarbons are combined with the impure husks, while the claims of the subject application recite a process for extracting organic compounds by selecting and mixing organic solvents with organic starting material at room temperature and ambient pressure.

Second, U.S. Patent No. 5,433,949, invented by Kahleyss et al., discloses a process for extracting natural antioxidants by using a combination of organic solvents, compressed carbon dioxide, and temperature and pressure gradients to obtain antioxidants that are flavor-, odor-, and color-neutral. The Kahleyss '949 process is patentably different from the applicant's method for extracting antioxidants because the Kahleyss '949 process requires wide shifts in temperature and pressure, as well as carbon

dioxide-mediated extraction, while the claims of the applicant's invention recite an extraction method which utilizes the vapor pressure of a solvent at room temperature and allows extraction under mild conditions, which therefore minimizes the oxidative decomposition of the desired end product during the extraction process. Moreover, another difference in the disclosure of the Kahleyss '949 reference is its active carbon treatment step followed by a temperature-dependent water wash. In contrast, the method claimed in the subject application requires no heating or cooling, and the applicant does not rely upon or recite purification of the extracted material with water.

Even when considered in combination, the Reeves '785 patent in view of the Kahleyss '949 patent would not render obvious the subject invention as claimed because neither the Reeves '785 patent nor the Kahleyss '949 patent teaches solvent vapor pressure utilization at room temperature, which allows for extraction of the subject organic compounds under mild conditions, resulting in a marked minimization of the oxidative decomposition of the extracted compound. In fact the Kahleyss '949 patent teaches away from conventional solvent extraction methods because of their high technical complexity as well as their low selectivity with regard to the most desirable antioxidants (Kahleyss '949, column 1, lines 31-37). For the reasons set forth above, the applicant respectfully traverses the examiner's obviousness rejection based on Reeves '785 in view of Kahleyss '949. Thus, neither cited reference discloses all of the features of the claimed invention, either singularly or in combination, and therefore it would not be obvious to one skilled in the art to modify one reference in view of the other to arrive at the same conclusion as that claimed in the subject invention.

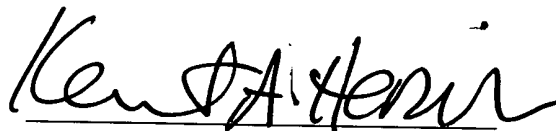
Accordingly, the purpose of the claimed invention is not taught nor suggested by the cited references, nor is there any suggestion or teaching that would lead one skilled in the relevant art to combine the references in a manner that would meet the purpose of the claimed invention. Because the cited references, whether considered alone, or in combination with one another, do not teach nor suggest the purpose of the claimed invention, Applicant respectfully submits that the claimed invention, as amended, patentably distinguishes over the prior art, including the art cited merely of record.

Based on the foregoing, Applicant respectfully submits that claims 1-17, as amended, and new claims 19-20, are in condition for allowance at this time, patentably distinguishing over the cited prior art. Accordingly, reconsideration of the application and passage to allowance are respectfully solicited.

The Examiner is respectfully urged to call the undersigned attorney at (515) 288-2500 to discuss the claims in an effort to reach a mutual agreement with respect to claim limitations in the present application which will be effective to define the patentable subject matter if the present claims are not deemed to be adequate for this purpose.

Respectfully submitted,

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